



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 15, 2021

BY CM/ECF

Hon. Richard M. Berman
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Daidone*, Docket No. 02-cr-01584 (RMB)

Dear Judge Berman:

The Government writes to apologize for failing to respond to this Court's earlier order regarding defendant Daidone's motion for release, and requests to have until December 3, 2021, within which to respond. The undersigned first learned of Daidone's motion and this Court's order on the afternoon of Friday, November 12, 2021, when Mr. Fernich emailed to ask if I was still working in the United States Attorney's Office. Until I entered an appearance this morning, no attorney for the Government was being electronically notified of filings or orders. Mr. Fernich did not, to my knowledge, attempt to effect service of his motion on the Government in any other way. As a result, no one from the United States Attorney's Office was aware of this Court's order directing a response.

As this Court is likely aware, the Government needs to obtain information from the Bureau of Prisons regarding some of the claims being made in Daidone's motion, and will do so expeditiously. To allow time for that process to be completed, and in light of the intervening holidays, the Government respectfully requests to have until December 3, 2021 within which to respond to Daidone's motion.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: /s_____
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cc: Marc Fernich, Esq. (by CM/ECF)